

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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KHALIL EFRAIM

No. **18CV7722**

Write the full name of each plaintiff.

(To be filled out by Clerk's Office)

-against-

COMPLAINT

(Prisoner)

#1. WESTCHESTER COUNTY; #2. ARAMARK
CORRECTIONAL SERVICES LLC; #3. ASSISTANT
WARDEN FRANCIS DELLROGGO; #4.
WESTCHESTER COUNTY DEPARTMENT OF CORRECTIONS

Do you want a jury trial?

☒ Yes ☐ No

Write the full name of each defendant. If you cannot fit the names of all of the defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed above must be identical to those contained in Section IV.

(SEE ATTACHED PAGE)

NOTICE

The public can access electronic court files. For privacy and security reasons, papers filed with the court should therefore *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number. See Federal Rule of Civil Procedure 5.2.

CONTINUED DEFENDANTS

... COMMISSIONER JOSEPH V. SPANO; #5 LAW LIBRARIAN
K. HEWITT; #6 ADAMASK FOOD SERVICE DIRECTOR
MANUEL MENDOZA; #7 ADAMASK DIRECTOR
DONNA BLACKMAN

I. LEGAL BASIS FOR CLAIM

State below the federal legal basis for your claim, if known. This form is designed primarily for prisoners challenging the constitutionality of their conditions of confinement; those claims are often brought under 42 U.S.C. § 1983 (against state, county, or municipal defendants) or in a "Bivens" action (against federal defendants).

☒ Violation of my federal constitutional rights

☐ Other: _____

II. PLAINTIFF INFORMATION

Each plaintiff must provide the following information. Attach additional pages if necessary.

<u>YHALIL</u>	<u>N</u>	<u>EDIRAM</u>
First Name	Middle Initial	Last Name

State any other names (or different forms of your name) you have ever used, including any name you have used in previously filing a lawsuit.

#189917
Prisoner ID # (if you have previously been in another agency's custody, please specify each agency and the ID number (such as your DIN or NYSID) under which you were held)

WESTCHESTER County D.O.C.
Current Place of Detention

10 WOODS RD. P.O. box #10
Institutional Address

<u>VALHALLA</u>	<u>NY</u>	<u>10595</u>
County, City	State	Zip Code

III. PRISONER STATUS

Indicate below whether you are a prisoner or other confined person:

- ☒ Pretrial detainee
- ☐ Civilly committed detainee
- ☐ Immigration detainee
- ☐ Convicted and sentenced prisoner
- ☐ Other: _____

IV. DEFENDANT INFORMATION

To the best of your ability, provide the following information for each defendant. If the correct information is not provided, it could delay or prevent service of the complaint on the defendant. Make sure that the defendants listed below are identical to those listed in the caption. Attach additional pages as necessary.

Defendant 1:

WESTCHESTER COUNTY
 First Name Last Name Shield #
 Current Job Title (or other identifying information)
148 MARTINE AVE. 6TH FLOOR
 Current Work Address
WHITE PLAINS, NY 10601
 County, City State Zip Code

Defendant 2:

ADAMAX CORRECTIONAL SERVICES LLC.
 First Name Last Name Shield #
 Current Job Title (or other identifying information)
111 8TH AVE
 Current Work Address
NEW YORK, NY 10011
 County, City State Zip Code

Defendant 3:

FRANCIS DEACROSSO
 First Name Last Name Shield #
 Current Job Title (or other identifying information)
ASSISTANT WARDEN
148 MARTINE AVE (6TH FLOOR)
10 WOODS DR. P.O. BOX #10 (KE)
 Current Work Address
WHITE PLAINS, NY 10601
VALHALLA (KE) 10595 (KE)
 County, City State Zip Code

Defendant 4:

JOSEPH V. SPANO
 First Name Last Name Shield #
 Current Job Title (or other identifying information)
D.O.C. COMMISSIONER
148 MARTINE AVE (6TH FLOOR)
 Current Work Address
WHITE PLAINS, NY 10601
 County, City State Zip Code

(SEE ATTACHED PAGE

• DEFENDANT #5

K. HEWITT
WESTCHESTER COUNTY D.O.C. LAW LIBRARIAN
148 MARTINE AVE (6TH FLOOR)
WHITE PLAINS, NY 10601

• DEFENDANT #6

MANUEL MENDOZA
ARAMARK FOOD SERVICE DIRECTOR
10 WOODS RD.
VALHALLA, NY 10595

• DEFENDANT #7

DONNA BLACKMAN
ARAMARK DIRECTOR
10 WOODS RD.
VALHALLA, NY 10595

V. STATEMENT OF CLAIM

Place(s) of occurrence: WESTCHESTER COUNTY D.O.C.
#1 IN OR AROUND 11/2015 - 10/2016

Date(s) of occurrence: #2 AUGUST 24, 2017 - PRESENT DAY

FACTS:

State here briefly the FACTS that support your case. Describe what happened, how you were harmed, and how each defendant was personally involved in the alleged wrongful actions. Attach additional pages as necessary.

THIS COMPLAINT ARISES FROM TWO SEPARATE CONFINEMENTS AT WESTCHESTER COUNTY DEPARTMENT OF CORRECTIONS ("D.O.C."), THE FIRST BEING IN OR AROUND NOVEMBER 2015 THRU OCTOBER 2016. NOTE: PLAINTIFF HAS BEEN CONFINED TO D.O.C. ON NUMEROUS OCCASIONS PRIOR TO THE RELEVANT TIMES & HAS MISREPRESENTED HIS RELIGIOUS AFFILIATION (PROTESTANT) TO D.O.C. OFFICIALS OUT OF DESPERATION. AS SUCH, PLAINTIFF HAS MISREPRESENTED THAT HE IS JEWISH, WHEN HE'S ACTUALLY PROTESTANT. UPON PLAINTIFF'S ARRIVAL TO D.O.C. HIS KOSHER JEWISH MEALS BEGAN TO ARRIVE IN THE FOLLOWING CONDITION: THE BREAD IN THE KOSHER BAG WAS/IS STALE (BREAKS APART IF TRIED TO MAKE A SANDWICH) MOLDED, SALAD WAS/IS SOGGY & BROWN EDED, FRUIT WAS/IS ROTTEN INTERNALLY & OUTWARDLY BRUISED TO THE POINT THE FRUIT WAS/IS NOT CONSUMABLE. TAKE FURTHER NOTICE, THAT PLAINTIFF IS ALLERGIC TO FISH AS SUCH PLAINTIFF WAS OFFERED A "KETCHUP SIZED" PEANUT-BUTTER & JELLY PACKET IN LIEU OF THE DAILY FISH SERVED WITHIN THE KOSHER BAGS. AS A RESULT OF THE BREAD ARRIVING STALE AND/OR MOLDED (AND D.O.C. STAFF REFUSING TO REPLACE THE STALE AND/OR MOLDED BREAD) PLAINTIFF WAS/IS FORCED

(SEE ATTACHED
PAPER)

TO EAT THE PEANUT BUTTER & JELLY PACKETS BY SUCKING THE CONTENTS OUT OF EACH PACKET. PLAINTIFF ATTEMPTED TO FILE TWO SEPARATE GRIEVANCES WITH SERGEANTS: #1 KITT ON 2K (OLD JAIL) IN OR AROUND DECEMBER 2015, BUT HE OPENLY STATED TO ME, "D.O.C. DOESN'T HANDLE FOOD GRIEVANCES ANY MORE, YOU HAVE TO MAIL THEM TO ADAMARK." HE REFUSED TO ACCEPT THE GRIEVANCE & WALKED AWAY. #2 THE SECOND GRIEVANCE ATTEMPTED TO BE FILED WAS WITH SERGEANT TORRES AFTER PLAINTIFF DISCOVERED LIVE & DEAD INSECTS, SPECIFICALLY FLIES, WITHIN HIS KOSHER CORN ON FIVE SEPARATE OCCASIONS WITHIN THE WEEK OF FEBRUARY 10, 2016. MORE-OVER, PLAINTIFF HAS FOUND (AND CONTINUES TO FIND) HUMAN HAIR WITHIN HIS KOSHER CEREAL ON SEVERAL OCCASIONS. NOTE: THE CEREAL IS PREPARED BY INMATE WORKERS BY POURING BAGS OF CEREAL INTO STYROFOAM BOWLS. PLAINTIFF HAS NOTICED THAT INMATE WORKERS DO NOT WEAR PROTECTIVE EQUIPMENT SUCH AS, HAIR NETS, BEARD NETS, GLOVES ETC. WHEN HANDLING FOOD. PLAINTIFF ATTEMPTED TO FILE ANOTHER GRIEVANCE WITH SERGEANT MIDDLETON REGARDING THE AFORESAID, BUT HE ALSO STATED THAT "D.O.C. NO LONGER ACCEPTS FOOD GRIEVANCES" & "THEY MUST BE SENT TO ADAMARK HEADQUARTERS IN PA."

TURNING TO THE SECOND CONFINEMENT STARTING AUGUST 2017 THRU THE PRESENT DATE, PLAINTIFF'S MEALS (KOSHER) CONTINUED TO ARRIVE AS STATED ABOVE. IN FACT, THE KOSHER MEALS ARE NOW WORST BECAUSE THE ABOVE DEFENDANTS ARE DELIBERATELY REDUCING FOOD SIZES & SERVING EXPIRED KOSHER MEALS, BECAUSE THEY BELIEVE THAT THE JEWISH POPULATION AT D.O.C. IS FAKE, SO TO COMBAT THE INCREASE OF JEWISH POPULATION DEFENDANTS ARE OFFERING EXPIRED, STALE, MOULDY, ROTTEN FOODS TO PLAINTIFF'S ENTIRE JEWISH POPULATION. AS A RESULT PLAINTIFF HAS SUFFERED THE INJURIES SIGHTED BELOW:

PLAINTIFF ATTEMPTED TO FILE A GRIEVANCE JANUARY 2018 & AUGUST 2018 WITH SHERIFF HOGUE REGARDING THE ROTTEN FOODS BEING SERVED TO THE JEWISH POPULATION, BUT ON BOTH OCCASIONS SHERIFF HOGUE STATED THAT "MCCRAY ALREADY GRIEVED THIS ISSUE". DESPITE THE FACT THAT THE PLAINTIFF DIDN'T/ DOESN'T KNOW WHO "MCCRAY" IS OR WHAT THE SHERIFF WAS TALKING ABOUT. PLAINTIFF WAS DENIED HIS RIGHT TO FILE A GRIEVANCE. AS THE PLAINTIFF IN THIS ACTION I HAVE CONDUCTED MASSIVE RESEARCH WITH REGARD TO LAWSUITS AGAINST WESTCHESTER COUNTY & ARIZONA, INCLUDING JOSEPH V. SPANO, MANUEL MENDOZA, DONNA BLACKMAN & WARDEN DELGROSSO. I HAVE FOUND THAT THERE ARE APPROX. 40 LAWSUITS PENDING IN THIS VERY COURT HOUSE FOR SIMILAR CONDUCT DESCRIBED HEREIN. THESE DEFENDANTS ARE SUPERVISORY & DIRECTLY RESPONSIBLE FOR THE FOOD SERVED TO THE INMATES AT D.O.C. THESE LAWSUITS HAVE GIVEN THESE DEFENDANTS AMPLE & PROPER NOTICE OF THE PRISON CONDITIONS AT D.O.C. IN ADDITION, THESE DEFENDANTS & OTHERS CONDUCT DAILY MEETINGS AT D.O.C. WHERE LAWSUITS, COMPLAINTS & GRIEVANCES ARE DISCUSSED. MOVING ON TO DEFENDANT K. HEWITT (THE D.O.C. LAW LIBRARIAN) SINCE MY ARRIVAL IN AUGUST 2017, I HAVE REQUESTED AS AN INDIGENT INMATE, A PENCIL, PAPER & PEN TO DRAFT THE INSTANT COMPLAINT, BUT LAW LIBRARIAN HEWITT STATED, "I HAVE BEEN ORDERED BY WARDEN DELGROSSO NOT TO ISSUE ANYMORE '1983' PACKETS, PEN, PENCILS OR PAPER SO 'YOU GUYS' CAN'T FILE LAWSUITS AGAINST US." AS SUCH, PLAINTIFF ACQUIRED THE PAPER FROM AN INMATE WHO PARTICIPATES IN THE BOLES SCHOOL PROGRAM. THE "1983" PACKET WAS PRINTED ONLINE BY PLAINTIFF'S FAMILY & SENT TO HIM. THAT'S HOW THE PLAINTIFF WAS ABLE TO FILE THE INSTANT ACTION.

PLAINTIFF ATTEMPTED TO FILE A GRIEVANCE AGAINST DEFENDANT
HOWEVER FOR FAILING/REFUSING TO PROVIDE THE NECESSARY
MATERIALS TO PROSECUTE THIS ACTION WITH SERGEANT
HOFME ON AUGUST 10, 2018, BUT HE STATED "YOU CAN'T
GRIEVE THAT BECAUSE THEY SAY THAT ON COMMISSARY."
PLAINTIFF WAS AGAIN DENIED HIS RIGHT TO FILE
A GRIEVANCE.

KE

INJURIES:

If you were injured as a result of these actions, describe your injuries and what medical treatment, if any, you required and received.

NAUSEA, VOMITING, EXPLOSIVE DIARRHEA, HUNGER PAINS, FATIGUE FEELINGS, DEBILITATING HEADACHES, WEIGHT LOSS, UNWANTED STRETCH MARKS, UNNECESSARY PAIN'S, SUFFERING, INTENTIONAL INFLECTION OF EMOTIONAL DISTRESS, NEEDLESS PAIN'S SUFFERING, DEHYDRATION, CONSTIPATION, DIZZINESS.

VI. RELIEF

State briefly what money damages or other relief you want the court to order.

(#1) COMPENSATORY DAMAGES AGAINST ALL DEFENDANTS IN THE AMOUNT OF \$5,000,000.00; (#2) PUNITIVE DAMAGES AGAINST ALL DEFENDANTS IN THE AMOUNT OF \$10,000,000.00; (#3) NOMINAL DAMAGES AGAINST ALL DEFENDANTS.

VII. PLAINTIFF'S CERTIFICATION AND WARNINGS

By signing below, I certify to the best of my knowledge, information, and belief that: (1) the complaint is not being presented for an improper purpose (such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation); (2) the claims are supported by existing law or by a nonfrivolous argument to change existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Federal Rule of Civil Procedure 11.

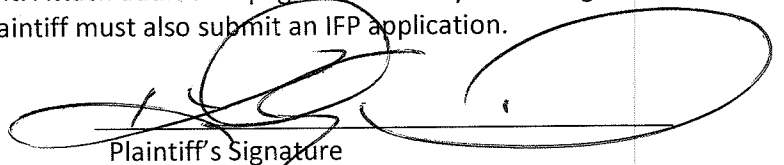
I understand that if I file three or more cases while I am a prisoner that are dismissed as frivolous, malicious, or for failure to state a claim, I may be denied *in forma pauperis* status in future cases.

I also understand that prisoners must exhaust administrative procedures before filing an action in federal court about prison conditions, 42 U.S.C. § 1997e(a), and that my case may be dismissed if I have not exhausted administrative remedies as required.

I agree to provide the Clerk's Office with any changes to my address. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Each Plaintiff must sign and date the complaint. Attach additional pages if necessary. If seeking to proceed without prepayment of fees, each plaintiff must also submit an IFP application.

August 16, 2018
Dated


Plaintiff's Signature

V. HALL
First Name

N.
Middle Initial

EPHRAIM
Last Name

10 Woods RD.
Prison Address

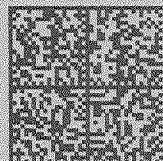
VALHALLA
County, City

NY
State

10545
Zip Code

Date on which I am delivering this complaint to prison authorities for mailing: 8/16/18

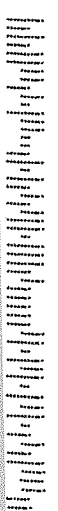
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SOUTHERN DISTRICT OF NY
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